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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/905,548

07/13/2001

Kyoung Ro Yoon

2080-3-29

3916

35884

7590

07/20/2007

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EXAMINER

O STEEN, DAVID R

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/905,548

Applicant(s)

YOON ET AL.

Examiner

David R. O'Steen

Art Unit

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 26 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires <sup>3</sup> months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 3-13 and 15-24.  
Claim(s) withdrawn from consideration: 2 and 14.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER

Continuation of 3. NOTE: The amendment to Claim 13 alters the scope of Claim 13 and its subsequent dependent Claim. Further search and consideration is required..

Continuation of 11. does NOT place the application in condition for allowance because: On page 9 of the Remarks section, the applicant argues that Cragun fails to disclose an encoder for converting an analog stream or uncompressed stream into a compressed digital stream and outputting the compressed digital stream into the indexing engine and that Cragun also fails to disclose a storage control part for storing the compressed digital stream in the storage device. The applicant also states that Cragun fails to disclose that the record control part comprises the encoder and storage control part. Furthermore, the applicant argues that the closed captioning converter of Cragun (part 103) outputs signals to the computer (part 104) which is opposite to what the applicant claims and even though Barton may teach an encoder outputting the compressed digital stream to an indexing engine there is no reason to combine the two inventions. The examiner must respectfully disagree. While the Closed Captioning Decoder of Cragun (labeled fig.1.103) is an important part of indexing engine, important indexing functions are done by the CPU (fig. 2.202) such as the dynamic scanning of the incoming program (please see col. 4, lines 39-58 and cols.5 and 6, lines 49-67 and 1-9). As can be seen from figure 2 of Cragun, a compressed digital stream (via video capture device fig. 2.207) is outputted to an indexing engine (the CPU which is in charge of scanning through the compressed digital stream). Barton also teaches that the digital stream is outputted to the indexing engine as well as storage control part for for storing the digital stream in the storage device, that the record control comprises said encoder and the reord control part further compriese a storage control part. (please see Office Action mailed March 27, 2007). Furthermore, it would have been obvious to one skilled in tha art at the time of the invention to combine these aspects of Barton with the system of Cragun to streamline the operation of Cragun. By modifying Cragun in such a way, the resulting device would be a simpler system for viewers to use to store intelligently audio/video programs. This is becoming more important as digital storage is an popular way to store audio/video data.